

APPENDIX A

Peer System Contacts

Appendix A – Peer System Contacts

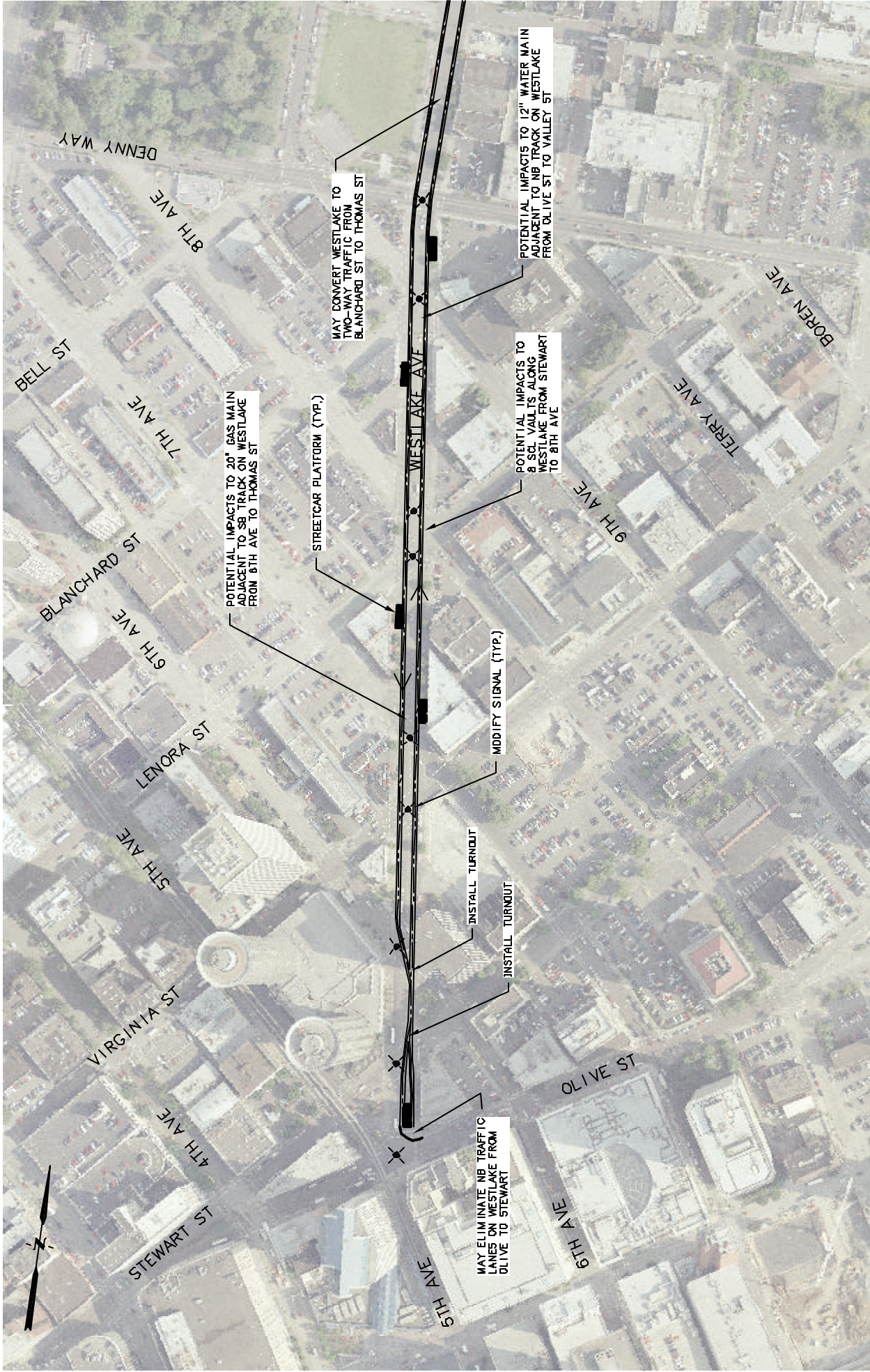
| City | Agency/ Organization | Contact(s) | Telephone and/or E-Mail |
|---------------|---|---------------------------------------|--|
| Charlotte | Charlotte Trolley | Lisa Grey | (704) 375-1435 lisa@charlottetrolley.org |
| Memphis | Memphis Area Transit Authority (MATA) | Dorothy Harris | (901) 577-2652 |
| | | John Lancaster, Operations | (901) 722-7105 |
| New Orleans | New Orleans Regional Transit Authority (NORTA) | Donald Preau | (504) 242-2600 |
| | | Mitch Guidry | (504) 248-3780 |
| Portland | Portland Street Car, Inc. | Kay Dannen | (503) 478-6404 dannen@portlandstreetcar.org |
| San Francisco | San Francisco Municipal Railway (Muni) | Tony Tufo, Operations | (415) 401-3119 |
| | | Ron Niewiarowski, Capital Programs | (415) 934-3938 |
| Tacoma | Sound Transit (ST) Regional Agency | Sue Comis | (206) 398-5000 |
| Tampa | Hillsborough Area Regional Transit Authority (HART) | Elaine Lego | (813) 254-4278 |
| Toronto | Toronto Transit Commission (TTC) | Scott Haskill | (416) 393-4000 scott.haskill@ttc.ca |

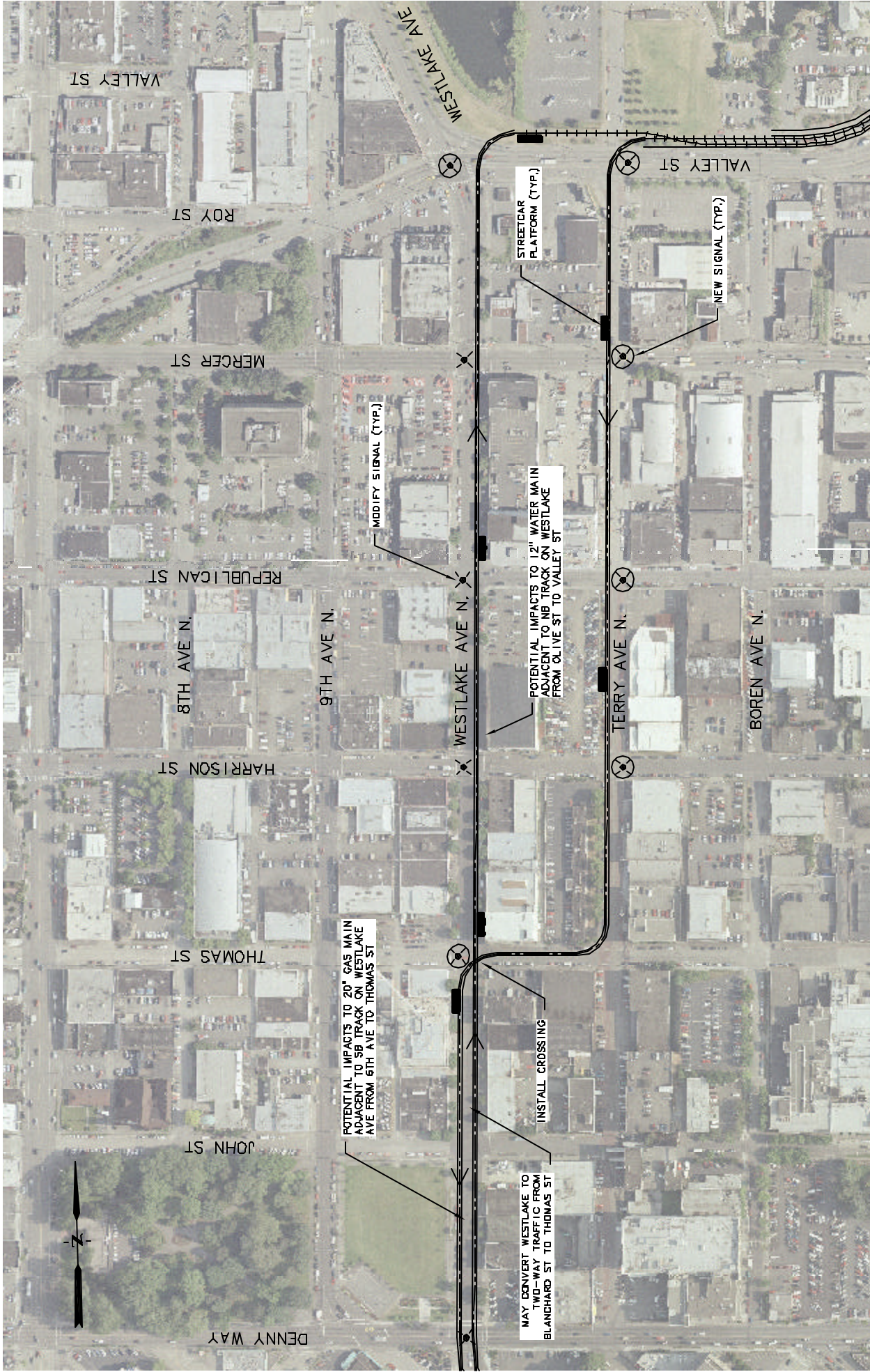
APPENDIX B

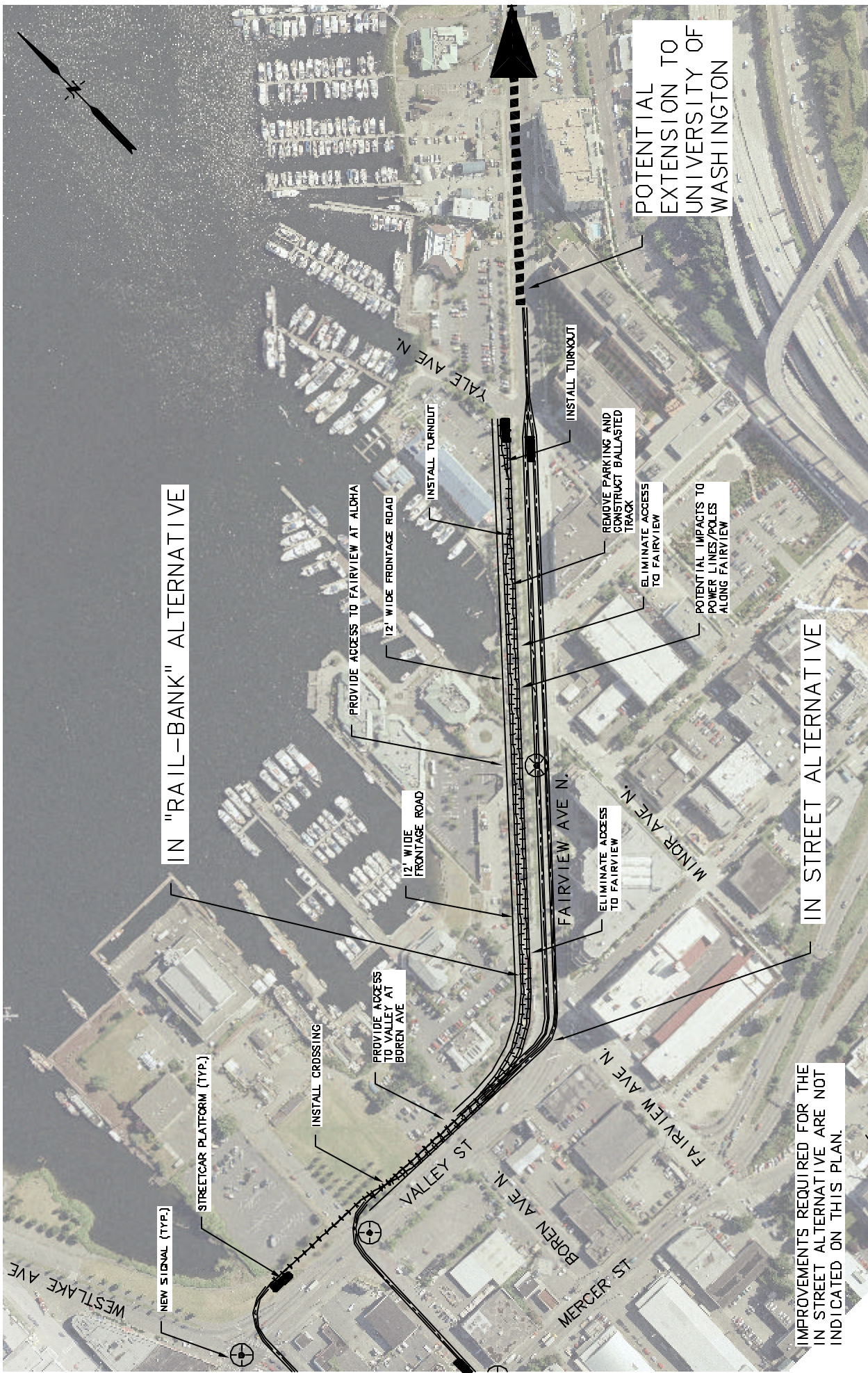
Detailed Alignments of the Three Lines

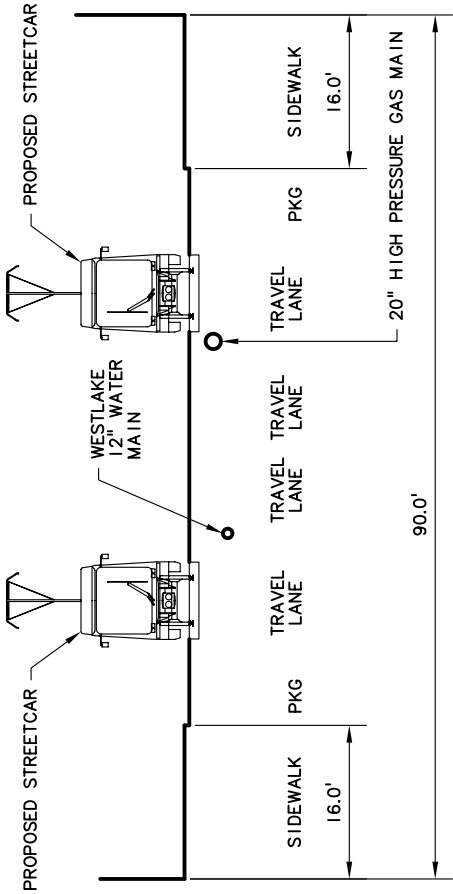
Appendix B – Detailed Alignments of the Three Lines

- B-1. South Lake Union Proposed Alignment: Olive Street to Denny Way
- B.2. South Lake Union Proposed Alignment: Denny Way to Valley Street
- B-3. South Lake Union Two Proposed Alignments: Westlake Avenue to Yale Avenue N.
- B-4. South Lake Union Proposed Alignment: Typical Section Westlake Avenue at Blanchard Street
- B-5. South Lake Union Proposed Alignment: Typical Section Valley Street at Terry Avenue N.
- B-6. South Lake Union Proposed Alignment: Typical Section Terry Avenue N. at Republican Street
- B-7. Waterfront – North Potential Alignment: Broad Street to W. Thomas Street
- B-8. Waterfront – North Potential Alignment: W. Thomas Street to the Grain Terminal
- B-9. Waterfront – North Potential Alignment: the Grain Terminal to Amgen
- B-10. Waterfront – International District Potential Alignment: 5th Avenue S. to 12th Avenue S.
- B-11. Waterfront – International District Potential Alignment: 12th Avenue S. to 20th Avenue S.
- B-12. Waterfront – International District Potential Alignment: 20th Avenue S. to 23rd Avenue S.
- B-13. Waterfront – International District Potential Alignment: Typical Section S. King Street at I-5
- B-14. Waterfront – International District Potential Alignment: Typical Section S. Jackson Street at I-5



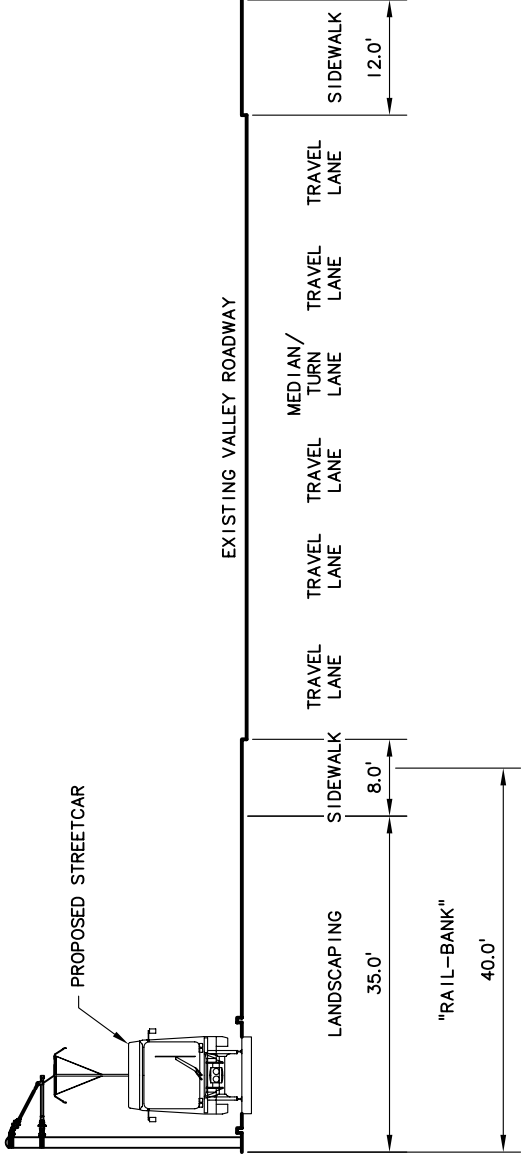




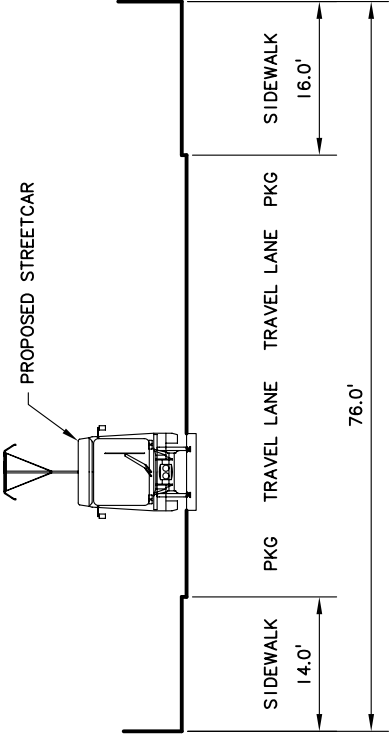


WESTLAKE AT BLANCHARD

| | | |
|---|---|------------|
| <p>SEATTLE STREETCAR NETWORK AND FEASIBILITY ANALYSIS JUNE 30, 2004</p> | <p>SOUTH LAKE UNION PROPOSED ALIGNMENT TYPICAL SECTION WESTLAKE AVENUE N. AT BLANCHARD STREET</p> | <p>B-4</p> |
|---|---|------------|



VALLEY AT TERRY
LOOKING EAST





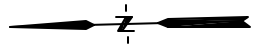


SEATTLE STREETCAR NETWORK
AND FEASIBILITY ANALYSIS
JUNE 30, 2004



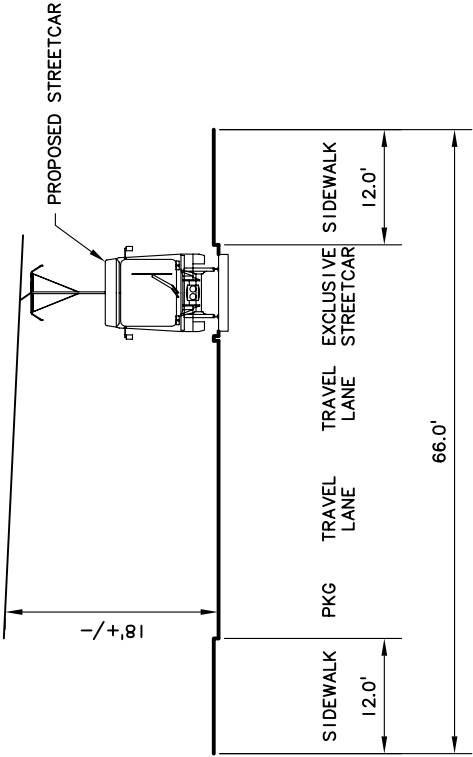




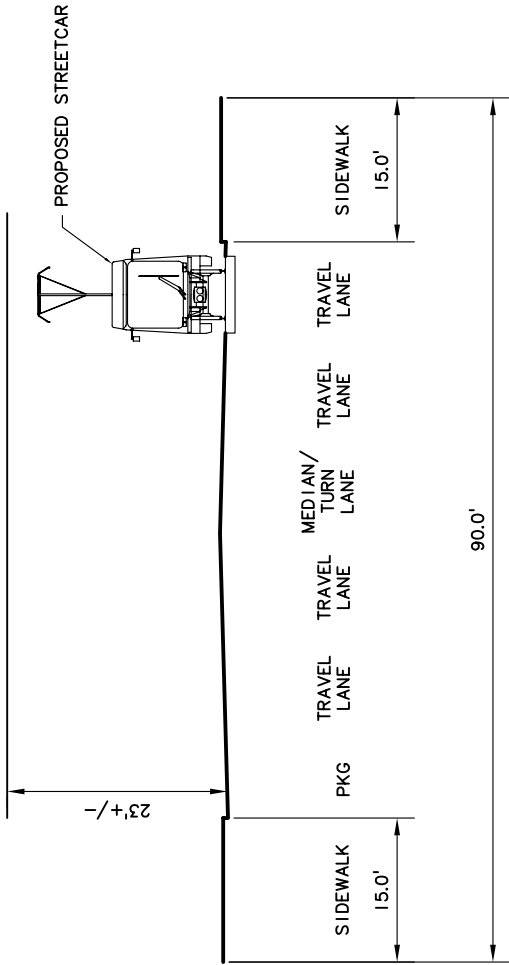


SEATTLE STREETCAR NETWORK
AND FEASIBILITY ANALYSIS
JUNE 30, 2004

WATERFRONT – INTERNATIONAL DISTRICT
POTENTIAL ALIGNMENT
20TH AVENUE S. TO 23RD AVENUE S.



PROPOSED SECTION
KING AT I-5 BRIDGE (LOOKING NORTH)



JACKSON AT I-5 BRIDGE (LOOKING SOUTH)

SEATTLE STREETCAR NETWORK
AND FEASIBILITY ANALYSIS
JUNE 30, 2004

WATERFRONT – INTERNATIONAL DISTRICT
TYPICAL SECTION
S. JACKSON STREET AT I-5

APPENDIX C

Ridership on King County Metro Bus

Routes 1-99 (2003)

Appendix C – Ridership on King County Metro

Bus Routes 1-99 (2003)

| # | Part | Key Type | Service Category | Annualized Platform Hours | Annualized Rides | Rides Per Platform Hour | Signup | Week-day Rides |
|----|------|----------|------------------|---------------------------|------------------|-------------------------|--------|----------------|
| 1 | | | Local/Other | 13,873 | 828,234 | 59.70 | 2003.1 | 2,763 |
| 1 | | SH | Local/Other | 2,236 | 33,862 | 15.15 | 2003.1 | 101 |
| 2 | N | | Core | 15,731 | 892,345 | 56.72 | 2003.1 | 2,680 |
| 2 | N | EX | Peak | 7,201 | 214,630 | 29.81 | 2003.1 | 845 |
| 2 | S | | Core | 24,870 | 1,112,072 | 44.71 | 2003.1 | 3,660 |
| 3 | N | | Local/Other | 7,709 | 495,232 | 64.24 | 2003.1 | 1,710 |
| 3 | S | | Core | 20,627 | 905,186 | 43.88 | 2003.1 | 2,901 |
| 3 | S | TB | Core | 5,364 | 312,166 | 58.20 | 2003.1 | 1,229 |
| 4 | N | | Local/Other | 11,341 | 610,306 | 53.82 | 2003.1 | 1,976 |
| 4 | N | NT | Local/Other | 4,072 | 153,894 | 37.79 | 2003.1 | 316 |
| 4 | S | | Core | 22,128 | 980,071 | 44.29 | 2003.1 | 3,162 |
| 5 | | | Core | 28,866 | 1,043,251 | 36.14 | 2003.1 | 3,143 |
| 5 | | ALT | Core | 15,739 | 517,410 | 32.87 | 2003.1 | 1,775 |
| 5 | | EX | Peak | 3,023 | 124,714 | 41.26 | 2003.1 | 491 |
| 7 | N | | Core | 26,147 | 1,272,196 | 48.66 | 2003.1 | 3,696 |
| 7 | N | SH | Core | 852 | 5,426 | 6.37 | 2003.1 | 8 |
| 7 | N | TB | Core | 12,345 | 666,543 | 53.99 | 2003.1 | 2,254 |
| 7 | S | | Core | 31,379 | 1,377,188 | 43.89 | 2003.1 | 4,235 |
| 7 | S | EX | Peak | 6,875 | 195,072 | 28.37 | 2003.1 | 768 |
| 7 | S | NT | Core | 3,139 | 142,973 | 45.55 | 2003.1 | 294 |
| 7 | S | SH | Core | 2,806 | 36,036 | 12.84 | 2003.1 | 108 |
| 7 | S | SHTB | Core | 5,136 | 80,831 | 15.74 | 2003.1 | 275 |
| 7 | S | TB | Core | 24,858 | 1,160,664 | 46.69 | 2003.1 | 3,575 |
| 8 | | | Core | 13,822 | 486,410 | 35.19 | 2003.1 | 1,915 |
| 8 | | TB | Core | 7,947 | 223,062 | 28.07 | 2003.1 | 476 |
| 9 | | | Core | 21,319 | 808,228 | 37.91 | 2003.1 | 3,182 |
| 10 | | | Core | 24,139 | 1,158,758 | 48.00 | 2003.1 | 3,818 |
| 10 | | SH | Core | 1,155 | 1,934 | 1.68 | 2003.1 | 7 |

| # | Part | Key Type | Service Category | Annualized Platform Hours | Annualized Rides | Rides Per Platform Hour | Signup | Week-day Rides |
|----|------|----------|------------------|---------------------------|------------------|-------------------------|--------|----------------|
| 11 | | | Local/Other | 18,951 | 812,044 | 42.85 | 2003.1 | 2,646 |
| 12 | | | Core | 18,939 | 689,341 | 36.40 | 2003.1 | 2,356 |
| 12 | | TB | Core | 6,446 | 283,016 | 43.91 | 2003.1 | 1,026 |
| 13 | | | Core | 18,012 | 1,049,398 | 58.26 | 2003.1 | 3,246 |
| 14 | N | | Local/Other | 12,476 | 413,759 | 33.16 | 2003.1 | 1,322 |
| 14 | S | | Local/Other | 20,045 | 890,327 | 44.42 | 2003.1 | 2,869 |
| 14 | S | TB | Local/Other | 582 | 2,794 | 4.80 | 2003.1 | 11 |
| 15 | | | Core | 25,834 | 1,263,816 | 48.92 | 2003.1 | 3,928 |
| 15 | | EX | Peak | 4,919 | 209,296 | 42.55 | 2003.1 | 824 |
| 15 | | TB | Core | 5,291 | 181,020 | 34.21 | 2003.1 | 603 |
| 16 | | | Core | 48,946 | 1,264,010 | 25.82 | 2003.1 | 3,995 |
| 16 | | EX | Peak | 4,551 | 92,456 | 20.32 | 2003.1 | 364 |
| 17 | | | Local/Other | 24,910 | 565,411 | 22.70 | 2003.1 | 1,815 |
| 17 | | EX | Peak | 2,934 | 102,616 | 34.98 | 2003.1 | 404 |
| 18 | | | Core | 19,406 | 764,267 | 39.38 | 2003.1 | 2,375 |
| 18 | | EX | Peak | 4,161 | 150,622 | 36.20 | 2003.1 | 593 |
| 18 | | TB | Core | 11,977 | 467,295 | 39.02 | 2003.1 | 1,471 |
| 19 | | | Peak | 2,773 | 61,468 | 22.17 | 2003.1 | 242 |
| 20 | | | Local/Other | 15,894 | 519,317 | 32.67 | 2003.1 | 1,467 |
| 20 | | TB | Local/Other | 7,209 | 273,812 | 37.98 | 2003.1 | 1,078 |
| 21 | | | Local/Other | 25,566 | 612,621 | 23.96 | 2003.1 | 1,883 |
| 21 | | EX | Peak | 5,965 | 172,720 | 28.96 | 2003.1 | 680 |
| 22 | | | Local/Other | 19,885 | 495,332 | 24.91 | 2003.1 | 1,626 |
| 24 | | | Local/Other | 21,913 | 655,505 | 29.91 | 2003.1 | 2,107 |
| 25 | | | Local/Other | 10,020 | 169,418 | 16.91 | 2003.1 | 667 |
| 26 | | | Local/Other | 23,118 | 772,132 | 33.40 | 2003.1 | 2,376 |
| 26 | | EX | Peak | 2,786 | 97,790 | 35.11 | 2003.1 | 385 |
| 27 | | | Local/Other | 16,838 | 387,606 | 23.02 | 2003.1 | 1,302 |
| 28 | | | Local/Other | 14,163 | 497,580 | 35.13 | 2003.1 | 1,731 |
| 28 | | EX | Peak | 5,956 | 178,562 | 29.98 | 2003.1 | 703 |
| 28 | | SH | Local/Other | 8,084 | 98,267 | 12.16 | 2003.1 | 202 |

| # | Part | Key Type | Service Category | Annualized Platform Hours | Annualized Rides | Rides Per Platform Hour | Signup | Week-day Rides |
|----|------|----------|------------------|---------------------------|------------------|-------------------------|--------|----------------|
| 28 | | TB | Peak | 2,688 | 127,254 | 47.34 | 2003.1 | 501 |
| 31 | | | Local/Other | 14,955 | 566,590 | 37.89 | 2003.1 | 2,115 |
| 32 | | EX | Peak | 2,985 | 81,534 | 27.32 | 2003.1 | 321 |
| 33 | | | Local/Other | 14,977 | 308,577 | 20.60 | 2003.1 | 1,075 |
| 35 | | | Peak | 677 | 10,922 | 16.13 | 2003.1 | 43 |
| 36 | | | Core | 40,154 | 1,394,940 | 34.74 | 2003.1 | 4,305 |
| 36 | | SH | Core | 2,048 | 27,212 | 13.29 | 2003.1 | 79 |
| 36 | | TB | Core | 22,013 | 1,140,461 | 51.81 | 2003.1 | 3,755 |
| 37 | | | Local/Other | 3,770 | 45,836 | 12.16 | 2003.1 | 178 |
| 37 | | EX | Local/Other | 3,138 | 49,652 | 15.82 | 2003.1 | 192 |
| 38 | | | Local/Circ | 5,796 | 105,485 | 18.20 | 2003.1 | 333 |
| 39 | | | Local/Other | 14,705 | 320,206 | 21.78 | 2003.1 | 1,137 |
| 39 | | EX | Peak | 2,739 | 62,992 | 23.00 | 2003.1 | 248 |
| 39 | | SH | Local/Other | 1,765 | 15,074 | 8.54 | 2003.1 | 18 |
| 39 | | TB | Local/Other | 5,958 | 140,842 | 23.64 | 2003.1 | 520 |
| 41 | | | Core | 49,005 | 1,371,212 | 27.98 | 2003.1 | 4,472 |
| 41 | | TB | Core | 12,704 | 473,202 | 37.25 | 2003.1 | 1,863 |
| 42 | | | Local/Other | 16,967 | 690,379 | 40.69 | 2003.1 | 2,064 |
| 42 | | EX | Peak | 3,395 | 95,758 | 28.20 | 2003.1 | 377 |
| 42 | | NT | Local/Other | 3,748 | 127,875 | 34.12 | 2003.1 | 369 |
| 42 | | TB | Local/Other | 4,376 | 91,171 | 20.83 | 2003.1 | 292 |
| 43 | | | Core | 41,763 | 1,572,419 | 37.65 | 2003.1 | 5,067 |
| 43 | | SH | Core | 9,444 | 235,966 | 24.99 | 2003.1 | 788 |
| 44 | | | Core | 40,862 | 1,579,819 | 38.66 | 2003.1 | 5,057 |
| 45 | | EX | Peak | 2,337 | 36,068 | 15.43 | 2003.1 | 142 |
| 46 | | | Peak | 2,921 | 47,244 | 16.17 | 2003.1 | 186 |
| 48 | N | | Core | 30,782 | 1,376,846 | 44.73 | 2003.1 | 4,551 |
| 48 | N | EX | Peak | 1,888 | 63,246 | 33.50 | 2003.1 | 249 |
| 48 | N | TB | Peak | 1,627 | 37,347 | 22.96 | 2003.1 | 156 |
| 48 | S | | Core | 18,373 | 1,062,406 | 57.82 | 2003.1 | 3,846 |

| # | Part | Key Type | Service Category | Annualized Platform Hours | Annualized Rides | Rides Per Platform Hour | Signup | Week-day Rides |
|----|------|----------|------------------|---------------------------|------------------|-------------------------|--------|----------------|
| 48 | S | ALT | Core | 15,512 | 800,608 | 51.61 | 2003.1 | 2,937 |
| 48 | S | TB | Core | 7,042 | 217,634 | 30.90 | 2003.1 | 433 |
| 51 | | | Local/Circ | 5,097 | 58,604 | 11.50 | 2003.1 | 182 |
| 53 | | | Local/Circ | 2,286 | 23,368 | 10.22 | 2003.1 | 92 |
| 54 | | | Core | 29,637 | 920,829 | 31.07 | 2003.1 | 2,832 |
| 54 | | EX | Peak | 3,675 | 126,492 | 34.42 | 2003.1 | 498 |
| 55 | | | Core | 17,411 | 569,540 | 32.71 | 2003.1 | 1,883 |
| 55 | | SH | Core | 2,583 | 33,826 | 13.10 | 2003.1 | 79 |
| 56 | | | Local/Other | 13,041 | 314,593 | 24.12 | 2003.1 | 958 |
| 56 | | EX | Peak | 3,984 | 120,904 | 30.35 | 2003.1 | 476 |
| 57 | | | Peak | 2,781 | 73,914 | 26.58 | 2003.1 | 291 |
| 60 | | | Local/Other | 20,498 | 789,686 | 38.53 | 2003.1 | 3,109 |
| 60 | | TB | Local/Other | 5,417 | 137,515 | 25.38 | 2003.1 | 2,003 |
| 64 | | EX | Peak | 4,077 | 114,808 | 28.16 | 2003.1 | 452 |
| 65 | | | Local/Other | 24,442 | 723,154 | 29.59 | 2003.1 | 2,395 |
| 66 | | EX | Core | 32,083 | 749,422 | 23.36 | 2003.1 | 2,187 |
| 67 | | | Core | 12,806 | 735,330 | 57.42 | 2003.1 | 2,895 |
| 68 | | | Local/Other | 9,801 | 314,020 | 32.04 | 2003.1 | 1,154 |
| 70 | | | Core | 29,684 | 832,418 | 28.04 | 2003.1 | 3,020 |
| 71 | | | Core | 17,984 | 439,901 | 24.46 | 2003.1 | 926 |
| 71 | | EX | Core | 17,216 | 687,308 | 39.92 | 2003.1 | 2,440 |
| 72 | | | Core | 10,118 | 264,668 | 26.16 | 2003.1 | 535 |
| 72 | | EX | Core | 17,331 | 811,766 | 46.84 | 2003.1 | 2,939 |
| 73 | | | Core | 9,867 | 258,979 | 26.25 | 2003.1 | 534 |
| 73 | | EX | Core | 17,839 | 788,346 | 44.19 | 2003.1 | 2,808 |
| 73 | | TEX | Core | 10,808 | 381,254 | 35.28 | 2003.1 | 1,501 |
| 74 | | | Local/Other | 15,803 | 381,000 | 24.11 | 2003.1 | 1,500 |
| 74 | | EX | Peak | 4,500 | 82,296 | 18.29 | 2003.1 | 324 |
| 74 | | SH | Local/Other | 7,857 | 58,044 | 7.39 | 2003.1 | 148 |
| 74 | | TB | Local/Other | 7,176 | 109,039 | 15.19 | 2003.1 | 114 |

| # | Part | Key Type | Service Category | Annualized Platform Hours | Annualized Rides | Rides Per Platform Hour | Signup | Week-day Rides |
|----|------|------------|------------------|---------------------------|------------------|-------------------------|--------|----------------|
| 75 | | | Core | 33,164 | 1,203,439 | 36.29 | 2003.1 | 4,032 |
| 75 | | TB | Peak | 4,458 | 135,890 | 30.48 | 2003.1 | 535 |
| 76 | | | Peak | 7,281 | 187,452 | 25.74 | 2003.1 | 738 |
| 77 | | | Peak | 5,571 | 139,954 | 25.12 | 2003.1 | 551 |
| 78 | | | Peak | 3,031 | 84,582 | 27.91 | 2003.1 | 333 |
| 79 | | EX | Peak | 3,975 | 67,056 | 16.87 | 2003.1 | 264 |
| 81 | | | Local/Other | 822 | 13,935 | 16.95 | 2003.1 | 37 |
| 82 | | | Local/Other | 1,115 | 9,627 | 8.63 | 2003.1 | 28 |
| 83 | | | Local/Other | 1,050 | 17,225 | 16.40 | 2003.1 | 48 |
| 84 | | | Local/Other | 1,240 | 8,179 | 6.60 | 2003.1 | 26 |
| 85 | | | Local/Other | 1,101 | 18,300 | 16.62 | 2003.1 | 52 |
| 99 | | Street car | Local/Other | 10,195 | 406,597 | 39.88 | 2003.1 | 977 |

Notes:

ALT - Alternate

EX - Express

N - North

NT - Nighttime

S - South

SH - Shuttle

SHTB – Shuttle Turnback

TB - Turnback

TEX - Turnback Express

APPENDIX D

Section 4(f) Resource Evaluation for the Waterfront – North Alignment

Appendix D – Section 4(F) Resource Evaluation for the Waterfront – North Alignment

ISSUE

Would Section 4(f) be applicable to the extension of the Waterfront Streetcar north to Amgen or points further north?

Section 4(f) of the Department of Transportation Act of 1966 states that it is national policy that “special effort be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.” The implementation of the Act requires that the Secretary of Transportation “not approve any project that requires the use of publicly owned land from a public park, recreation area ... of national, State or local significance ... unless (1) there is no feasible and prudent alternative to using such land and (2) the program or project includes all possible planning to minimize harm to the park, recreation area, ...” Any project using federal transportation funds or requiring United States Department of Transportation (USDOT) approval would be required to comply with Section 4(f).

OVERALL

It would appear as though the section north of W. Thomas Street would be viewed as a Section 4(f) facility since the street right-of-way has been vacated. The section south of W. Thomas Street is more debatable, though Federal Transit Administration (FTA) may view it as a Section 4(f) facility. This would be consistent with Federal Highway Administration’s (FHWA) view that the bicycle/pedestrian trail adjacent to the Alaskan Way Viaduct and just south of Broad Street is a Section 4(f) facility (Alaskan Way Viaduct and Seawall Replacement Project DEIS, March 31, 2004).

BACKGROUND

The existing Waterfront Streetcar travels along the downtown Seattle waterfront to a point just north of Broad Street. There has been discussion of extending the streetcar line to the north. Just north of the existing streetcar line and maintenance facility is the beginning of Myrtle Edwards Park, which extends north to approximately W. Thomas Street where the Elliott Bay Park begins. Elliott Bay Park, in turn, continues along the waterfront alongside the Amgen development to approximately 16th Avenue W. The Elliott Bay Bike Trail continues north alongside 16th Avenue W.

Myrtle Edwards Park is managed by Seattle’s Department of Parks and Recreation. The easterly portion of this park is located on City of Seattle (City) street right-of-way (Alaskan Way). City Ordinance 104776, adopted in July, 1975, authorized the Department of Parks and Recreation to construct the Elliott Bay Park Bikeway. (Note, this “Elliott Bay Park” was later re-named Myrtle Edwards Park and should not be confused with the Elliott Bay Park owned by the Port of Seattle (Port) north of W. Thomas Street.)ⁱ The ordinance states that the bikeway, along with the planting of trees, installation of landscaping, and construction of a pedestrian path, would occur in Alaskan Way from Bay Street to W. Thomas Street, as well as in portions of W. Thomas Street and Bay Street. The ordinance goes on to say that “should said streets at some future time be designated parkway, park drive, or boulevard, ..., the appropriations herein made from the City Street Fund and the Arterial City Street Fund should be reimbursable by appropriations from the Park Acquisition and Development Fund for any expenditures made for the purposes contemplated by this ordinance ...”

The current Elliott Bay Park is on property owned by the Port. The park itself is operated and maintained by the Port. In addition to the park itself, other Port recreation facilities in the immediate area include the Elliott Bay Fishing Terminal (Pier 86), the Smith Cove Park at Terminal 91, and the Terminal 91 Bike Path. The City vacated that portion of Alaskan Way right-of-way north of W. Thomas Street (and west of the BNSF railroad tracks) in 1969.

SECTION 4(f)

Section 4(f) of the Department of Transportation Act of 1966 states that it is national policy that “special effort be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.” The implementation of the Act requires that the Secretary of Transportation “not approve any project that requires the use of publicly owned land from a public park, recreation area ... of national, State or local significance ... unless (1) there is no feasible and prudent alternative to using such land and (2) the program or project includes all possible planning to minimize harm to the park, recreation area, ...”

Section 4(f) applies only to publicly owned public parks and recreational areas. Both the City of Seattle and the Port of Seattle are public agencies.

Publicly owned land is considered to be a park or recreation area when the land has been officially designated as such or when the Federal, State or local officials having jurisdiction over the land determine that one of its major purposes or functions is for park, recreation, or refuge purposes. Generally speaking, the determination is made by the agency “owning or administering the land.” The final decision on applicability of Section 4(f) to a particular parcel is made by the federal lead agency after consulting with the agency with jurisdiction concerning the kinds of activity or functions that take place on the land.

According to FHWA guidance,ⁱⁱ which is also used by the FTA, if a bikeway is primarily for transportation and is an integral part of the local transportation system, the requirements of Section 4(f) would not apply. Section 4(f) would apply to bikeways (or portions thereof) designated or functioning primarily for recreation unless the official having jurisdiction determines it not to be significant for such purpose.” For the Alaskan Way Viaduct and Seawall Replacement Project, the FHWA has made a determination that the existing bike trail on Alaskan Way is a Section 4(f) facility, even though it is within the overall Alaskan Way street right-of-way. The bike path north of Broad Street is a basic continuation of this bike path.

Also according to the FHWA guidance, “Section 4(f) does not apply to either authorized or unauthorized temporary occupancy of highway right-of-way pending further project development. For authorized temporary occupancy of highway rights-of-way for recreation, it would be advisable to make clear in a limited occupancy permit with a reversionary clause that no right is created and the park or recreational activity is a temporary one pending completion of the highway project.”ⁱⁱⁱ

If it is determined that one or more segments of the alignments entail Section 4(f) properties, the FTA, as the lead federal agency on the streetcar project, would follow specific procedures in determining whether to allow use of the property. These procedures are detailed in the endnote below.^{iv}

APPLICABILITY OF SECTION 4(f) TO STREETCAR EXTENSION

Section from Bay Street to W. Thomas Street

For the section from the current north terminal of the streetcar to W. Thomas Street, the enabling ordinance does mention the potential for the right-of-way to revert back to street use at a later time. There is no evidence that the right-of-way has been formally vacated or turned over to the Parks

Department for their exclusive and permanent use. This may qualify for “temporary occupancy” exception discussed above.

Concerning the bike path issue, the Elliott Bay Trail is shown on the official City’s bike map, which would seem to indicate that it is primarily for transportation and an integral part of the local transportation system. It should also be noted that the Alaskan Way right-of-way is being used for more than just a bike path; it is also landscaped in a manner consistent with the landscaping of the park property adjacent to the right-of-way. It is debatable whether the “bikeway” exception would apply, especially given the decision by FHWA on the waterfront trail adjacent to the Alaskan Way Viaduct. In this instance, FHWA ruled that the bikeway was a recreational use under Section 4(f).

Section from W. Thomas Street to Pier 91

The bike path issue is the same as noted above.

The street right-of-way issue does not apply, since the street has apparently been vacated by the City.

The Port, while not typically viewed as a park operator, has shown the overall right-of-way as a park and recreational facility, complete with benches, picnic tables, etc. It would be difficult to construct a persuasive argument that Section 4(f) does not apply to this section.

ENDNOTES:

ⁱ Ordinance 102864, adopted in December 1973, authorized the creation of Elliott Bay Park to be located at Alaskan Way West between Bay Street and W. Thomas Street.

ⁱⁱ Section 4(f) Policy Paper, USDOT, Federal Highway Administration, October 5, 1987, p.17.

ⁱⁱⁱ Section 4(f) Policy Paper, op.cit., p. 19.

^{iv} Per FTA guidance, the compliance process for projects that may have an effect on Section 4(f) lands typically has three steps:

(a) Determining Significance. For a property to be deemed significant, it must play an important role in meeting the objectives of a community in terms of the availability and functions of recreation, park or wildlife and waterfowl refuge areas. Significance is determined through consultation with the Federal, State, or local officials having jurisdiction over the property. Once a property’s significance has been determined, Section 4(f) prohibits both the actual acquisition of land from the protected property and constructive use of the property – where a project’s proximity to the Section 4(f) resource substantially impairs the normal use of the land.

(b) Developing Alternatives. Parklands are to be protected unless unusual factors or unique problems are present, or the cost, environmental impacts, or community disruption resulting from proposed alternatives are particularly large. In evaluating an alternative, one must consider whether the alternative uses Section 4(f) property, whether it is prudent and feasible, and to what extent it harms the resource. If several alternatives include the use of land from a Section 4(f) resource, the alternative which is prudent and feasible and that has the least overall impact on the resource, including mitigation measures, must be selected.

(c) Section 4(f) Evaluation. Whenever Section 4(f) property is used for a project, documentation must be prepared that demonstrates that there are unique problems or unusual factors involved in

the use of non-Section 4(f) alternatives, or that the costs and social, economic, and environmental impacts, or community disruption resulting from the alternatives are particularly large. The evaluation must contain the following information, developed by the applicant in cooperation with FTA:

- A description of the proposed action.
- A description of the resource.
- The impacts of each alternative on the resource.
- Alternatives to avoid using the resource.
- Measures to minimize harm.
- Coordination with the agency having jurisdiction over the Section 4(f) property.